In response to the previous Office Action, it was argued that Suzuki et al does not disclose the claimed feature of "including, in said extended code field [DOC], a bit stream indicating whether both a motion vector (MV) and a discrete cosine transform (DCT) value are not encoded, whether both the MV and the DCT are encoded, or whether only the MV is encoded." In more detail, it was argued that Suzuki et al teaches a conventional one-bit DOC flag and also teaches a two-bit MODB flag for use with a B-picture. The conventional one-bit DOC of Suzuki et al does not indicate whether both a motion vector (MV) and a discrete cosine transform (DCT) value are not encoded, whether both the MV and the DCT are encoded, or whether only the MV is encoded.

The Examiner has responded to these arguments by stating that Suzuki's incorporation of both the COD and the MODB field codes meets the claimed field code (COD) having at least two bits. Further, the Examiner states that he considers Applicant's field code (COD) and Suzuki et al's COD and MODB field codes to be nothing more than a label change which is not of much patentable weight. In response, Applicant submits that the claimed COD code is different from the incorporation of both the COD and MODB codes of Suzuki et al.

In more detail, Suzuki et al uses the COD and the MODB as separate concepts. The COD is a one-bit field used to indicate whether or not any data is next to the COD; the MODB may be more than one bit and provides indications with respect to DCT coefficients and motion vectors. Thus, the concepts of COD and MODB are fundamentally different and are not merely different labels for the same idea.

Also, the COD, considered by itself, is a different concept than the combination of the COD and the MODB. The COD is associated with the I and P pictures, while the MODB is associated with the B-pictures. The COD and MODB fields are present in different macroblock layers, as reference to Figs. 40A and 40B readily indicates. Thus, there is no teaching in Suzuki et al for incorporating these fields together.

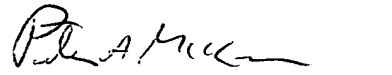
In summary, Applicant submits that Suzuki et al clearly teaches a COD field and a separate MODB field, with the COD being explicitly defined as a one-bit field. On the other

hand, claim 8 clearly requires more than one bit in the COD field. Applicant respectfully submits that the Examiner has improperly attributed the characteristics of Suzuki et al's MODB field to Suzuki et al's COD field, to conclude that Applicant's COD field may be more than one bit, thus ignoring the explicit teaching of Suzuki et al of a one-bit COD field. The term COD as used in claim 8 has an art recognized meaning, and Suzuki et al's use of the term COD conforms to the art recognized meaning. Applicant believes that the Examiner has improperly incorporated other concepts into Suzuki et al's explicit teaching with respect to the COD and has thereby changed the teaching of Suzuki et al.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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